

REMARKS

Claims 1-47 are pending in the present application. In the Office Action, claims 1, 3, 5, 7, 27, 29, 32, 34, and 42-45 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Nguyen, et al (U.S. Patent No. 6,179,256). The Examiner's rejections are respectfully traversed.

By way of background, the present invention is generally directed to determining grid dimensions on a wafer having a test structure including a plurality of intersecting lines that define a grid having openings. In contrast, Nguyen is directed to measuring critical dimensions of reticle patterns formed by a lithographic printer. Nguyen describes transferring a grid pattern of a reticle 210 to a substrate 214. The reticle 210 is then rotated to a second orientation and a second grid pattern is transferred to the substrate 214. Critical dimensions of the transferred grid patterns may then be measured. See Nguyen, col. 7, l. 61 – col. 8, l. 62 and Figure 4. However, Nguyen does not describe or suggest providing a wafer having a test structure comprising a plurality of intersecting lines that define a grid having openings, as set forth in claims 1-47. For at least this reason, Applicants respectfully submit that the present invention is not anticipated by Nguyen and request that the Examiner's rejections of claims 1, 3, 5, 7, 27, 29, 32, 34, and 42-45 under 35 U.S.C. § 102(e) be withdrawn.

In the Office Action, claims 2, 8, 10-12, 14, 16, 18-20, 22, 24, 26, 28, 30-31, 33, 35-36, 40, 46, and 47 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nguyen in view of Stirton (U.S. Patent No. 6,614,540). Claims 9 and 39 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nguyen in view of Mita, et al (U.S. Patent No. 4,547,895). Claims 17 and 25 were rejected under 35 U.S.C. § 103(a) as allegedly being

unpatentable over Nguyen in view of Stirton and further in view of Mita. The Examiner's rejections are respectfully traversed.

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). As discussed above, Nguyen fails to teach or suggest providing a wafer having a test structure comprising a plurality of intersecting lines that define a grid having openings, as set forth in claims 1-47. Stirton and Mita are similarly silent with regard to providing a wafer having a test structure comprising a plurality of intersecting lines that define a grid having openings. Moreover, the cited references fail to provide any suggestion or motivation to modify the prior art to arrive at Applicants claimed invention. In particular, the cited references fail to provide any suggestion or motivation for providing a wafer having a test structure comprising a plurality of intersecting lines that define a grid having openings.

For at least the aforementioned reasons, Applicants respectfully submit that the present invention is not obvious in view of Nguyen, Stirton, or Mita, either alone or in combination. Applicants respectfully request that the Examiner's rejections of claims 2, 8-12, 14, 16-20, 22, 24-26, 28, 30-31, 33, 35-36, 39-40, 46, and 47 under 35 U.S.C. § 103(a) be withdrawn.

In view of the remarks set forth herein, the application is believed to be in condition for allowance and notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

WILLIAMS, MORGAN & AMERSON
CUSTOMER NUMBER 23720

Respectfully submitted,



Mark W. Sincell, Ph.D.
Reg. No. 52,226

Agent for Applicants

10333 Richmond Dr., Suite 1100
Houston, Texas 77042
(713) 934-7000

Date: 11/4/04